

EXHIBIT B

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UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

IMPOSSIBLE FOODS INC.,)	Case No. 5:21-cv-02419-BLF
)	(SVK)
Plaintiff,)	
)	Judge: Hon. Beth Labson Freeman
v.)	
)	
IMPOSSIBLE LLC,)	
)	
Defendant.)	
)	
)	
)	

**DEFENDANT IMPOSSIBLE LLC’S SECOND SET OF REQUESTS FOR DOCUMENTS
 AND THINGS TO PLAINTIFF IMPOSSIBLE FOODS INC.**

Pursuant to Fed. R. Civ. P. Rules 26 and 34, Defendant Impossible LLC (“Defendant”) hereby requests that Plaintiff Impossible Foods Inc. (“Plaintiff”) produce the requested documents and things called for by these Requests electronically to counsel of record, or if impracticable to produce electronically, at the offices of Wiley Rein LLP, 2050 M St., N.W.,

1 Washington, D.C. 20036, within the time as prescribed by the Federal Rules of Civil Procedure.
2 These Requests are to be continuing in nature, and any additional responsive documents or
3 things that may be discovered subsequent to the initial responsive production should be produced
4 within a reasonable time following such discovery pursuant to Fed. R. Civ. P. 26.
5

6 **DEFINITIONS AND INSTRUCTIONS**

7 A. The definitions and instructions contained in Defendant's First Set of
8 Interrogatories (the "Interrogatories") are incorporated herein by reference.

9 B. With respect to any document requested for which a claim of privilege, work
10 product, or confidentiality is made, specify (in log form) the nature of the privilege, the nature of
11 the document, identify by name, address, title, and business affiliation, the writer, the addressee,
12 and all recipients thereof, and set forth the general subject matter to which the document relates,
13 and applicable date.
14

15 C. Plaintiff shall separately identify the Request by number pursuant to which each
16 document or tangible thing is produced.

17 D. A written response to this Request is required pursuant to Fed. R. Civ. P. 34.
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18 **REQUESTS**

19 **REQUEST NO. 49:** Produce documents sufficient to show the manufacturers of all
20 apparel products bearing Plaintiff's Marks.
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22 **REQUEST NO. 50:** Produce documents sufficient to show the distributors of all
23 apparel products bearing Plaintiff's Marks.

24 **REQUEST NO. 51:** Produce all documents relating to Plaintiff's design, ordering,
25 acquisition, and distribution of apparel products bearing Plaintiff's Marks.

26 **REQUEST NO. 52:** Produce documents sufficient to show all athletic, sporting, and
27 racing events that Plaintiff has sponsored.
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1 **REQUEST NO. 53:** Produce documents sufficient to show all athletic, sporting, and
2 racing events at which Plaintiff has advertised its products and services.

3 **REQUEST NO. 54:** Produce all trademark search reports commissioned by or
4 conducted on behalf of Plaintiff that reference Defendant, Defendant's Marks, Defendant's
5 websites, Defendant's social media, and/or Defendant's products and services, including but not
6 limited to the "commercial trademark search report" that Plaintiff received on or around October
7 9, 2013.

8 **REQUEST NO. 55:** Produce all documents and communications regarding or referring
9 to trademark search reports commissioned by or conducted on behalf of Plaintiff that include
10 reference to Defendant, Defendant's Marks, Defendant's websites, Defendant's social media,
11 and/or Defendant's products and services, including but not limited to the "commercial
12 trademark search report" that Plaintiff received on or around October 9, 2013.

13 **REQUEST NO. 56:** Produce all documents and communications that refer or relate to
14 Reg. No. 5376208.

15 **REQUEST NO. 57:** Produce all documents and communications that refer or relate to
16 Reg. No. 5387588.

17 **REQUEST NO. 58:** Produce all documents and communications that refer or relate to
18 Reg. No. 5576376.

19 **REQUEST NO. 59:** Produce all documents and communications that refer or relate to
20 Reg. No. 5620625.

21 **REQUEST NO. 60:** Produce documents sufficient to show the circumstances under
22 which Plaintiff first became aware that Defendant sells/sold edible products.

23 **REQUEST NO. 61:** Produce documents sufficient to show the circumstances under
24 which Plaintiff first became aware that Defendant sells or sold krill oil supplements.
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1 **REQUEST NO. 62:** Produce documents sufficient to show the circumstances under
2 which Plaintiff first became aware that Defendant sells or sold sleep supplements.

3 **REQUEST NO. 63:** Produce documents sufficient to show the circumstances under
4 which Plaintiff first became aware that Defendant sells or sold energy supplements.

5 **REQUEST NO. 64:** Produce documents sufficient to show the circumstances
6 surrounding Plaintiff's first sale of edible products under each of Plaintiff's Marks.

7 **REQUEST NO. 65:** Produce documents sufficient to show the date on which Plaintiff's
8 edible products became available for consumers to purchase in the physical stores (i.e., not
9 exclusively online) within the United States.

10 **REQUEST NO. 66:** Produce documents sufficient to show the date on which Plaintiff's
11 edible products became available for consumers to purchase in grocery stores within the United
12 States.

13 **REQUEST NO. 67:** Produce documents sufficient to show the date on which Plaintiff's
14 edible products became available for consumers to purchase in restaurants within the United
15 States.

16 **REQUEST NO. 68:** Produce documents sufficient to show the date on which Plaintiff's
17 edible products became available for consumers to purchase in fast-food restaurants within the
18 United States.

19 **REQUEST NO. 69:** Produce documents sufficient to show all retailers through which
20 U.S. consumers could purchase Plaintiff's edible products as of August 15, 2017.

21 **REQUEST NO. 70:** Produce documents sufficient to identify all states in the United
22 States in which retailers sold Plaintiff's edible products to the ultimate consumers as of August
23 15, 2017.

1 **REQUEST NO. 71:** Produce documents sufficient to show all restaurants (including
2 fast-food restaurants) in which U.S. consumers could purchase Plaintiff's edible products as of
3 August 15, 2017.

4 **REQUEST NO. 72:** Produce documents sufficient to identify all states in the United
5 States in which restaurants sold Plaintiff's edible products as of August 15, 2017.

6 **REQUEST NO. 73:** Produce all documents relating to Impossible's efforts to obtain
7 approval from the U.S. Food and Drug Administration to sell its edible products to U.S.
8 consumers.
9

10 **REQUEST NO. 74:** Produce all documents that evidence whether the edible products
11 sold under Plaintiff's Marks are commercially successful.

12 **REQUEST NO. 75:** Produce documents sufficient to show whether each of Plaintiff's
13 Marks is well known to U.S. consumers.

14 **REQUEST NO. 76:** Produce all documents regarding dietary and/or nutritional
15 supplements sold, intended for sale, or contemplated for sale by Plaintiff.

16 **REQUEST NO. 77:** Produce all documents reflecting instances of consumers being
17 confused regarding source or affiliation between Plaintiff, Plaintiff's Marks, and/or Plaintiff's
18 products and services on the one hand, and Defendant, Defendant's Marks, and/or Defendant's
19 products and services on the other hand.
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21 **REQUEST NO. 78:** Produce documents sufficient to show, on a monthly, quarterly,
22 and annual basis, Plaintiff's advertising budget, from 2019 to the present.

23 **REQUEST NO. 79:** Produce documents sufficient to show, on a monthly, quarterly,
24 and annual basis, the amount Plaintiff spent on advertising and promoting apparel offered under
25 the IMPOSSIBLE brand, from 2019 to the present.
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1 **REQUEST NO. 80:** Produce documents sufficient to show, on a monthly, quarterly,
2 and annual basis, the amount Plaintiff spent on advertising and promoting nutrition and recipe
3 information under the IMPOSSIBLE brand, from 2019 to the present.

4 **REQUEST NO. 81:** Produce documents sufficient to show, on a monthly, quarterly,
5 and annual basis, the amount Plaintiff spent on advertising and promoting philanthropy services
6 (including charitable fundraising and charitable events) offered under the IMPOSSIBLE Marks,
7 from 2019 to the present.

8 **REQUEST NO. 82:** Produce documents sufficient to show, on a monthly, quarterly,
9 and annual basis, the amount Plaintiff spent on advertising and promoting the IMPOSSIBLE
10 brand at athletic events, from 2019 to the present.

11 **REQUEST NO. 83:** Produce documents sufficient to show, on a monthly, quarterly,
12 and annual basis, Plaintiff's advertising budget for the year 2025.

13 **REQUEST NO. 84:** Produce documents sufficient to show, on a monthly, quarterly,
14 and annual basis, Plaintiff's advertising budget for apparel for the year 2025.

15 **REQUEST NO. 85:** Produce documents sufficient to show, on a monthly, quarterly,
16 and annual basis, Plaintiff's advertising budget for nutrition and recipe information for the year
17 2025.

18 **REQUEST NO. 86:** Produce documents sufficient to show, on a monthly, quarterly,
19 and annual basis, Plaintiff's advertising budget for philanthropy services for the year 2025.

20 **REQUEST NO. 87:** Produce documents sufficient to show, on a monthly, quarterly,
21 and annual basis, Plaintiff's budget for advertising and promoting the IMPOSSIBLE brand at
22 athletic events in 2025.

23 **REQUEST NO. 88:** Produce all documents and communications that evidence willful
24 infringement by Defendant or Joel Runyon.
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REQUEST NO. 89: Produce documents sufficient to evidence any damages to which Plaintiff believes it is entitled in this action.

Respectfully submitted,

Date: September 19, 2024

By: /s/ David E. Weslow

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*Attorneys for Defendant
Impossible LLC*

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2024, the foregoing was served electronically on all counsel of record.

/s/ David E. Weslow

David E. Weslow